

STATE OF MICHIGAN
COURT OF APPEALS

ROLAND E. ELLIS,

Plaintiff-Appellant,

v

YALE STEEL, INC.,

Defendant-Appellee.

UNPUBLISHED

May 19, 2005

No. 260513

St. Clair Circuit Court

LC No. 03-001812-NO

Before: Murphy, P.J., and White and Smolenski, JJ.

WHITE, J. (*dissenting*).

I respectfully dissent. Plaintiff presented sufficient evidence that the furnace was defective, that defendant had notice, and that he was injured as a result of defendant's failure to repair the defect, to withstand the motion for summary disposition. Additionally, plaintiff presented evidence that rather than discharge its duty to repair the furnace, defendant instructed plaintiff that he could safely relight the pilot himself. I would reverse.

/s/ Helene N. White